

Attorney Docket: 030349  
U.S. Application No. 10/720,800 Examiner SIKRI, Art Unit 2109  
Response to August 13, 2007 Final Office Action

### **REMARKS**

In response to the final Office Action dated August 13, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-2, 4-8, 10-13, and 15-16 are pending in this application. Claims 3, 9, and 14 have been canceled without prejudice or disclaimer.

#### **Rejection of Claims 1-2 under § 103 (a)**

The Office rejected claims 1 and 2 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent 6,016,307 to Kaplan, *et al.* in view of U.S. Patent Application Publication 2003/0051054 to Redlich, *et al.* and further in view of U.S. Patent 6,385,198 to Ofek, *et al.*

Claims 1 and 2, however, cannot be obvious. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of Kaplan with Redlich and Ofek. Independent claim 1, for example, recites "*recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented.*" Support for such features may be found at least at paragraph [0013] of United States Application No. 10/720,949 (Attorney Docket 030347), which was incorporated by reference. Independent claim 1 also recites "*when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service.*" Support for such features may be found at least at paragraph [0023] of United States Application No. 10/720,941 (Attorney Docket 030006), which is incorporated by reference. The new segment is dispersed and a result of the processing service is received. Support for such features may again be found at least at paragraph [0023] of United States Application No. 10/720,941. Independent claim 1 is reproduced below.

[c01] A method of providing communications services, comprising:

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- receiving a request for data;
- assessing in real-time an availability of network routing to fulfill the request;
- assessing in real-time an availability of network bandwidth to fulfill the request;
- ascertaining a preferred scenario of segmentation, dispersion, and assemblage of electronic data to fulfill the request;
- sending a reservation to reserve a routing path, the reservation instructing a device to only accept packets of data destined for that routing path, the reservation specifying a window of time in which the packets of data are received and processed;
- receiving a data stream to fulfill the request;
- recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented;
- when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service;
- dispersing the new segment via a network to receive the processing service;
- receiving a result of the processing service;
- assembling formatted data comprising the result of the processing service and at least one of the recursively segmented segments; and
- communicating the formatted data to fulfill the request.

*Kaplan* with *Redlich* and *Ofek* cannot obviate at least these features. *Kaplan* discloses methods for dynamically selecting an optimal telecommunications path. See U.S. Patent 6,016,307 to *Kaplan, et al.* at column 1, lines 7-10. See also *id.* at column 2, lines 10-12. The optimum path is selected according to user priorities, predetermined path parameters, and measured path parameters. See *id.* at column 3, lines 11-30. Path economy, availability, latency, and other variables may be considered. See *id.* at columns 5 and 6. *Redlich* discloses data security methods in which sensitive data is extracted and separately stored. See U.S. Patent Application Publication 2003/0051054 to *Redlich, et al.* at paragraphs [0031], [0097], and [0099]. A document may be parsed or segmented and the extracted data is dispersed for storage. See *id.* at paragraph [0190] and [0198]. *Ofek* discloses a packet-switching network in which switches have a common time reference. See U.S. Patent 6,385,198 to *Ofek, et al.* at column 2, lines 45-60. Transmission time along "virtual pipes" may be reserved. *Id.* at column 6, lines 20-

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25. Transfers of data packets occur during predefined time intervals. *See id.* at column 6, lines 50-55.

Still, though, *Kaplan* with *Redlich* and *Ofek* cannot obviate independent claim 1. Independent claim 1 recites “*recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented.*” The proposed combination of *Kaplan* with *Redlich* and *Ofek* is silent to these features. Moreover, *Kaplan* with *Redlich* and *Ofek* also fails to teach or suggest “*when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service.*” The proposed combination of *Kaplan* with *Redlich* and *Ofek*, then, cannot obviate independent claim 1.

Claims 1 and 2, then, cannot be obvious over *Kaplan*, *Redlich*, and *Ofek*. Independent claim 1 recites many features that are not taught or suggested by *Kaplan* with *Redlich* and *Ofek*. Dependent claim 2 incorporates these same features. One of ordinary skill in the art, then, would not think that claims 1 and 2 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims 3-8, 13 & 15-16 under § 103 (a)**

The Office also rejected claims 3-8, 13, and 15-16 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent Application Publication 2005/0060420 to Kovacevic in view of U.S. Patent Application Publication 2006/0206619 to Dan, *et al.*

First, claim 3 has been canceled, so the rejection of this claim is moot.

Second, claims 4-8, 13, and 15-16 cannot be obvious. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Kovacevic* with *Dan*. Claims 4-8 and 13 depend from independent claim 1 and, thus, incorporate “*recursively segmenting the data stream into segments, such that a characteristic of a preceding segment*

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*determines how a current segment is segmented.*" Claims 4-8 and 13 also incorporate *"when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service."* Independent claims 15 and 16 recite similar features.

*Kovacevic with Dan* cannot obviate at least these features. *Kovacevic* discloses a system that processes different types of multimedia data streams. See U.S. Patent Application Publication 2005/0060420 to *Kovacevic* at paragraphs [0024], [0026], and [0028]. The system processes a portion of the packets of a received data stream using different protocols. See *id.* at paragraphs [0024] and [0029]. When a proper protocol is identified, then the remaining packets are also processed using the identified protocol. See *id.* at paragraphs [0024] and [0029]. *Dan* discloses an "eSLA" system for building, provisioning, and executing service level agreements.

Even so, *Kovacevic with Dan* cannot obviate independent claims 1, 15, and 16. All the independent claims recite *"recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented."* The proposed combination of *Kovacevic with Dan* is silent to these features. Moreover, *Kovacevic with Dan* also fails to teach or suggest *"when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service."* The proposed combination of *Kovacevic and Dan*, then, cannot obviate independent claims 1, 15, and 16.

Claims 4-8, 13, and 15-16, then, cannot be obvious. Independent claims 1, 15, and 16 recite many features that are not taught or suggested by *Kovacevic and Dan*. Dependent claims 4-8 and 13 incorporate these same features. One of ordinary skill in the art, then, would not think that claims 4-8, 13, and 15-16 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claim 9 under § 103 (a)**

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The Office also rejected claim 9 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Kovacevic* in view of *Dan* and further in view of *Ofek*. Claim 9, however, has been canceled, so the rejection of this claim is moot.

**Rejection of Claims 10 & 14 under § 103 (a)**

The Office also rejected claims 10 and 14 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Kovacevic* in view of *Dan* and further in view of *Redlich*.

First, claim 14 has been canceled, so the rejection of claim 14 is moot.

Claim 10 cannot be obvious. Claim 10 depends from independent claim 1 and, thus, incorporates “*recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented.*” Claim 10 also incorporates “*when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service.*” As the above paragraphs explained, *Kovacevic*, *Dan*, and *Redlich* are all silent to these features. One of ordinary skill in the art, then, would not think that claim 10 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of claim 10.

**Rejection of Claims 11 & 12 under § 103 (a)**

The Office also rejected claims 11 and 12 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Kovacevic* in view of *Dan*, *Kaplan*, and *Redlich*.

Claims 11 and 12, however, cannot be obvious. These claims depend from independent claim 1 and, thus, incorporate “*recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented.*” Claims 11 and 12 also incorporate “*when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment*

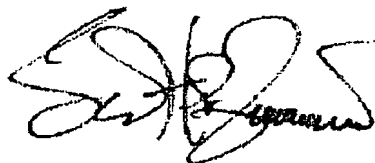
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*requiring the processing service.*" As the above paragraphs explained, *Kovacevic, Dan, Kaplan,* and *Redlich* are all silent to these features. One of ordinary skill in the art, then, would not think that claims 11 and 12 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of claims 11 and 12.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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